

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

KENNIS EARL GATSON,)	
TDCJ No. 1702500,)	
)	
Petitioner,)	
)	CIVIL ACTION NO.
VS.)	
)	3:23-CV-0050-G-BN
DIRECTOR, TDCJ-CID,)	
)	
Respondent.)	

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

The United States Magistrate Judge made findings, conclusions, and a recommendation in this case. No objections were filed. The District Court reviewed the proposed findings, conclusions, and recommendation for plain error. Finding none, the court **ACCEPTS** the Findings, Conclusions, and Recommendation of the United States Magistrate Judge.

The court therefore **TRANSFERS** Petitioner's unauthorized successive 28 U.S.C. § 2254 habeas application to the United States Court of Appeals for the Fifth Circuit for appropriate action.

And, because the court is transferring the application to the Fifth Circuit, a certificate of appealability (a COA) is not necessary. See *United States v. Fulton*, 780

F.3d 683, 688 (5th Cir.) (“[A] transfer order under [28 U.S.C.] § 1631 is not a final order within the meaning of [28 U.S.C.] § 2253(c)(1)(B), and the appeal of such an order does not require a COA.”), *cert. denied*, 577 U.S. 967 (2015); *Guel-Rivas v. Stephens*, 599 Fed. Appx. 175, 175 (5th Cir. 2015) (per curiam) (applying *Fulton*’s holding to transfer of a successive Section 2254 application).

SO ORDERED.

February 21, 2023.



A. JOE FISH
Senior United States District Judge